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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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MARK C. HAIK,

Plaintiff,

v.

SALT LAKE COUNTY BOARD OF  
HEALTH,

Defendant.

MEMORANDUM DECISION AND  
ORDER GRANTING DEFENDANT'S  
MOTION TO DISMISS

Case No. 2:13-CV-1051 TS

District Judge Ted Stewart

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Plaintiff seeks to develop certain property he owns in the Albion Basin. Before he may do so, however, he must show an entitlement to 400 gallons of water per day, something he cannot do. Plaintiff's Complaint arises out of the Sale Lake Valley Health Department's denial of his application for septic systems or holding tanks for proposed homes in the Albion Basin Subdivision and Plaintiff's appeal of that denial. The denial was based on Plaintiff's inability to show access to the requisite amount of water. This Court, the Utah Supreme Court, and the Tenth Circuit Court of Appeals have all addressed various claims concerning Plaintiff's, and his predecessor's, attempts to obtain sufficient water for development.<sup>1</sup> Those claims have all failed. For substantially the same reasons stated by these Courts previously, Plaintiff's claims in this action also fail. It is therefore

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<sup>1</sup> *Haik v. Salt Lake City Corp.*, No. 13-4050, 2014 WL 2523735 (10th Cir. June 5, 2014); *Haik v. Town of Alta*, 176 F.3d 488 (10th Cir. 1999) (unpublished); *Haik v. Salt Lake City Corp.*, No. 2:12-CV-997 TS, 2013 WL 968141 (D. Utah Mar. 12, 2013); *Haik v. Township of Alta*, No. 2:96-CV-732 BSJ; *Melville v. Salt Lake Cnty.*, 570 P.2d 687 (Utah 1977).

ORDERED that Defendant's Motion to Dismiss (Docket No. 14) is GRANTED. It is further

ORDERED that Plaintiff's Motion for Remand, Abstention or Certification (Docket No. 9) is DENIED.

The Clerk of the Court is directed to close this case forthwith. The Court will take up Defendant's Motion for Sanctions (Docket No. 19) in a separate order.

DATED this 12th day of June, 2014.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'T. Stewart', is written over a horizontal line.

Ted Stewart  
United States District Judge